

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TROY LUCAS,

Petitioner,

-against-

COMMISSIONER OF MENTAL HEALTH,

Respondent.

1:23-CV-11274 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated January 2, 2024, the Court directed Petitioner, within 30 days, to submit a completed request to proceed *in forma pauperis* (“IFP” or “IFP application”) or pay the \$5.00 filing fee required to file a *habeas corpus* action in this court. That order specified that failure to comply would result in dismissal of this action. Petitioner has not filed an IFP application or paid the filing fee. Accordingly, the Court dismisses this action without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter a judgment dismissing this action for the reason set forth in this order.

SO ORDERED.

Dated: March 5, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge